



Ethics News

Issue No. 38

Official Newsletter of the Indiana State Ethics Commission

September 2004



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Training Update

[Executive Order 04-12](#) mandates that every state agency ensure that employees receive orientation within six weeks of their start date and refresher training every two years. How does this affect you? You have several options to complete this requirement: (1) You can attend [ethics classes](#) offered by the Ethics Commission; (2) You can attend training by your agency; or (3) You can take the [training online](#). If you take the online training, confirmation will be sent electronically to a contact person in your agency.

The ethics “Blue Book” (Indiana State Ethics Laws) is being revised and agencies will be notified when it is ready for printing. In the meantime, you may access the “[old Blue Book](#)” online as well as the new [Compliance Guidelines](#). The Compliance Guidelines deal with the “new gift rule.” If you have any questions, do not hesitate to call the Commission at 232-3850 or contact your [Ethics Officer](#).

Commission Update

James N. Clevenger, Kizer & Neu, LLP, of Plymouth, Indiana, has been appointed by Governor Joe Kernan to a four-year term on the Ethics Commission.

David J. Hadley, Chairman of the Political Science Department at Wabash College was appointed Chairperson of the Commission by Governor Kernan. Hadley first joined the Commission in 1992 and served as chairperson from 1994 until his resignation in November 1997. He was later appointed by Governor Frank O’Bannon to a four year term which expires September 1, 2005.

Hadley is a graduate of Indiana University with a B.A. degree in journalism. He holds a M.A. and Ph.D. from Indiana University in Political Science.

Former Commissioner **Sherie Hampshire** of Ft. Wayne was awarded the Sagamore of the Wabash by Governor Kernan for her distinguished service to the Commission. Ms. Hampshire served on the Commission since 1992 and was chairperson from 1997-September 2004.

Enforcement Proceedings

The State Ethics Commission approved the following report on August 12, 2004.

Case #04-C-1

A contractor with the state of Indiana paid a \$40,000 settlement for violating the gift rule, 40 IAC 2-1-6(a). Covansys Corporation had been doing business with the Indiana Family and Social Services Administration (FSSA) since 1996. During the calendar years 2000 to 2003 inclusive, Covansys spent approximately \$2,150 on meals and entertainment for FSSA employees. The cost of these meals was recorded in corporate records as business expenses.

Covansys further agreed to: (1) submit its expense reports related to its business with the State of Indiana to the Ethics Commission for a period of eighteen (18) months, beginning August 12, 2004; (2) implement a corporate-wide ethics policy, with particular emphasis on procurement of public sector contracts; (3) appoint a corporate ethics officer to research and educate employees on the state's ethics codes of conduct; (4) require its employees to receive in-house ethics training; and (5) require employees who work on future contracts with the State of Indiana to receive ethics training from the Ethics Commission.

Staff Advice

This article briefly reviews questions recently addressed by the Ethics Commission staff. The advice is not intended as a comprehensive analysis of the issue raised. For more information on whether and how this information may apply in another situation, contact your [agency Ethics Officer](#) or the State Ethics Commission.

NOTE: *Please be advised that the opinions in these answers merely interpret and apply the State Ethics Commission's laws, regulations, and policies. The fact scenarios presented in these questions could possibly violate other agency laws, regulations, rules, or policies.*

Q. The Indiana Council of Community Mental Health Centers (ICCMHC) has invited a few DMHA employees to their quarterly meeting in May in New Albany. We are invited to present at their meeting in the afternoon and attend a reception in the evening. ICCMHC has offered to pay for our hotel rooms that evening. Is that something we can accept or is it against the rules?

A. It is in the best interest of DMHA for its employees to attend the Council's quarterly meeting. And because the Council, as opposed to an individual CMHC, will be paying for the reception and the hotel accommodations, it will not pose a problem under the Ethics Code.

You will need to approve in writing the payment by the Council of expenses related to the reception and hotel accommodations pursuant to 40 IAC 2-1-7(b) and (c).

Q. What are the ethics rules regarding home sales (e.g., *Pampered Chef* or *Longaberger Baskets*).

A. Under the ethics rules, sales from these companies should be restricted to employee break rooms or employee bulletin boards. Employees should also avoid putting their work telephone numbers on any catalogs, or selling/delivering items during work time.

Q. The Department of Administration (IDOA) is under a legislative mandate to put on a conference each year for the state's recycled products vendors. The vendors pay to attend the conference, and part of this fee goes towards paying for a lunch that the IDOA provides. Is it permissible for IDOA to provide the lunch?

A. There are no restrictions under the State Ethics Code prohibiting IDOA from providing lunch at a seminar to vendors who have paid a fee that includes the cost of their lunch.

Q. Does an agency have to formally adopt the Ethics Commission's policy on limited use of state resources?

A. When the Ethics Commission created this policy, we encouraged other state agencies to adopt this policy or a version thereof. Agencies could also decide to adopt a zero tolerance policy. The Ethics Commission, in its investigations, will apply its de-minimis use policy, even if other agencies hadn't adopted the policy, or had adopted a zero tolerance policy.

Q. I have a question about temporary workers: If a temp brings in a coffee cake for his or her co-workers, are state employees allowed to eat it?

A. This activity fits under an exception to the gift rule: Personal and social relationships whereby nominal entertainment expenses are incurred or nominal personal mementos are exchanged on a reciprocal basis, so long as such expenses or mementos are not deducted as a business expense.

Q. A state employee likes to attend peace rallies protesting the war in Iraq. She has written a letter to the editor of a newspaper and would like to send the letter to other newspapers. She is also concerned because the person who tells her about upcoming peace rallies is a friend of hers from outside state government, and usually calls her on her cell phone, which she keeps with her at work. Is she violating any ethics rules?

A. The employee's peace rally activities are fine under the Ethics Code, as long as she doesn't do it on state time, or use state equipment. For example, she shouldn't type letters to editors on her state computer, nor should she sign the letters with the name of her state agency. Finally, if she receives personal phone calls on her cell phone at work, she should simply tell people to call her back after quitting time.

Ethics Classes Open

Ethics Orientation

October 9, December 7
(10:00 - 11:00 a.m.)

Supervisors and Managers

October 20, December 8
(10:00 -12:00 p.m.)

Classes are in the State Conference
Center or Training Center
Indiana Government Center South

Please check directory on day of class

To register, call (317) 232-3850 or visit our
Web site at www.ethics.IN.gov

Ethics Quiz (True or False)

1. You may accept a gift from a vendor as long as it is valued at less than \$25 and you do not make any decisions regarding the vendor.
2. Employees who have taken ethics orientation do not have to take anymore training for five years.
3. You may have a political bumper sticker on your personal car and park in a state garage.
4. You may not take up a collection to buy your supervisor a birthday present.
5. If your agency's ethics policy is stricter than that of the Ethics Commission's rules, you must comply with your agency's policy.
6. You may not accept lunch at a training seminar sponsored by one of your agency's vendors.
7. You may not work in the same agency as your brother.
8. You may invite (off state time) employees you supervise to a political fund-raiser.
9. You may write a letter of reference on state stationery for a friend who is applying for a state job.
10. If a vendor sends a basket of fruit or a similar item to your agency during the holidays, employees may share the gift.

Answers

1. **False.** The new compliance guidelines prohibit employees from accepting anything of value from a person who has a business relationship with their agency.
2. **False.** Employees are mandated to take an ethics refresher every two years.
3. **True**
4. **False.** As long as employees are free to give and give what they want, you may take up a collection.
5. **True**
6. **False.** Since the program is educational in nature, you may accept the lunch.
7. **False.** As long as neither of you directly supervises the other, it's OK.
8. **False.** You may not solicit political contributions from persons you supervise nor from persons who have a business relationship with your agency.
9. **True**
10. **True**